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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,583	11/09/2001	Steven Paul Wiese	60,365-005	4841
26096	7590	12/19/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/044,583	WIESE, STEVEN PAUL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kieu D. Vu	2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-19,21-25,27-30 and 32-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-19,21-25,27-30 and 32-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 11/04/05. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

#### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claim 18 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claim 18 of the instant application is anticipated by claim 11 of US Patent No. 6,323,885, respectively.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-7, 13-17, 19, 21-23, 25, 28-30, and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown ("Brown", USP 5794216) and Manson et al ("Manson", USP 5731997) and Jones (USP 6748318).

Regarding claims 1, 2, 19, 25, 28, 29, 30, Brown teaches a method of displaying on a computer information regarding values associated with a plurality of geographic locations including the steps of receiving a request for information regarding a first geographic area including the plurality of geographic locations (col 7, lines 48-65), receiving a plurality of values each associated with one of the plurality of geographic locations wherein said plurality of values are price values(Fig. 13) and displaying a map of the first geographic area in response to said request for information (region 204). Brown does not teach the associating each of a plurality of symbols with each of the

plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information. However, such feature is known in the art as taught by Manson. Specifically, Mason teaches a method for displaying data pertaining to an artifact which comprises the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently.

Brown and Mason do not teach geographic locations are street address. However, the feature of a geographic area includes a plurality of street addresses is known in the art as taught by Jones. Jones' system displays a map which includes street address (col 25, lines 40-47) (Fig. 38). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Jones before him at the time the invention was made, to modify the interface method taught by Brown and

Manson to include displaying street addresses on the map taught by Jones with the motivation being to provide users with a detailed map.

Regarding claims 4 and 21, Brown and Manson do not teach that the values are rental values. However, the Examiner takes Official Notice that using rental values as queries is well known in real estate search. It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Jones before him at the time the invention was made, to modify the interface method taught by Brown, Manson, and Jones to include the well known searching on rental values with the motivation being enable the user to search for the user to search on different categories.

Regarding claims 17 and 34, Jones teaches displaying street addresses (Fig. 38).

Regarding claims 5 and 22, Brown teaches the displaying a list of a plurality of geographic area (Fig. 14).

Regarding claims 6, 7, and 23, Manson teaches that the plurality of symbols each include a different shape or a different color (Fig. 4).

Regarding claim 13, Mason teaches displaying a legend indicating the values associated with each of the plurality of symbols (Fig. 17).

Regarding claim 14, Brown teaches displaying an advertisement (Fig. 14).

Regarding claim 15, Brown teaches receiving a request for additional information for a selected one of the plurality of geographic locations (block 216) and displaying the additional information (Fig. 15)

Regarding claim 16, Brown teaches that the additional information includes an address for the selected one of the plurality of geographic locations (Fig. 15).

Regarding claims 35, 37, and 39, Manson teaches each of the plurality of symbols is different in appearance (see different Feature layers in Fig. 7).

Regarding claims 36, 38, and 40, Manson teaches assigning each of the plurality of symbols to more than one of the plurality of geographic locations based upon the associated values (see point features 34 in Fig. 2).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, Jones, and DeLorme et al ("DeLorme", USP 5559707).

Regarding claim 18, Brown, Manson, and Jones do not teach that the associating each of the plurality of values with a latitude and longitude. However, such feature is known in the art as taught by DeLorme. DeLorme teaches a computer aided routing system which comprises the associating a value with a latitude and longitude (col 42, lines 30-33). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, Jones, and DeLorme before him at the time the invention was made, to modify the interface method taught by Brown, Manson, and Jones to include the associating value with a latitude and longitude with the motivation being inform users the latitude and longitude of the object.

7. Claims 8-10, 24, 27, 32-33, and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, and Tachibana et al ("Tachibana", USP 6219053).

Regarding claim 8, Brown and Manson do not teach associating each of the plurality of symbols with different ranges of values. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different symbols with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the symbols.

Regarding claim 9, Tachibana teaches each symbol has an associated color and shape (col 17, lines 62-67). Manson teaches that the plurality of symbols each include a different shape or a different color (Fig. 4).

Regarding claim 10, Brown, Manson, and Tachibana do not teach a magnitude of the ranges varies among the plurality of symbols. However, it would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to have magnitude of the plurality of subranges varies among the symbols with the motivation being to enable the user to easily and quickly acknowledge the dimension of the subranges by looking at the symbols.

Regarding claims 24 and 27, Brown and Manson do not teach associating each of a plurality of colors with one of a plurality of ranges of values. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different



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symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). Tachibana further teaches setting shape and color of icon indicating a node for each range (each hierarchical level) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different colors with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the colors.

Regarding claim 32, Brown and Manson do not teach associating each of a plurality of shapes with one of a plurality of ranges of values. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). Tachibana further teaches setting shape and color of icon indicating a node for each range (each hierarchical level) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different shapes with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the shapes.

Regarding claim 33, Mason teaches displaying a legend indicating the values associated with each of the plurality of symbols (Fig. 17).

Regarding claims 41 and 45, Brown teaches a method of displaying on a computer information regarding values associated with a plurality of geographic locations including the steps of receiving a request for information regarding a first geographic area including the plurality of geographic locations (col 7, lines 48-65), receiving a plurality of values each associated with one of the plurality of geographic locations (Fig. 13) and displaying a map of the first geographic area in response to said request for information (region 204). Brown does not teach the associating each of a plurality of symbols having visually identifying characteristic with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information. However, such feature is known in the art as taught by Manson. Specifically, Mason teaches a method for displaying data pertaining to an artifact which comprises the associating each of a plurality of symbols visually identifying characteristic with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the

motivation being to enable the users to read the search result easily and efficiently.

Brown and Manson do not teach the symbols having first visually identifying characteristic indicating range and second visually identifying characteristic indicating subrange. However, such feature is known in the art as taught by Tachibana. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols having first visually identifying characteristic (shapes (square, triangle, circle)) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67) (line 63 of col 14 to line 2 of col 15). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different symbols having first visually identifying characteristic (shape) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) with the motivation being enable the user to the user to easily and quickly acknowledge the ranges and subranges by looking at the shapes and colors.

Regarding claims 42 and 46, Tachibana teaches one of the first visually identifying characteristic and the second visually identifying characteristic is shape (square, triangle, circle).

Regarding claims 43-44 and 47-48, Tachibana teaches the other of the first visually identifying characteristic and the second visually identifying characteristic is color (line 63 of col 14 to line 2 of col 15).

***Allowable Subject Matter***

8. Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (see Office Action mailed 07/06/04 for reasons for the indication of allowable subject matter).

9. Applicant's arguments filed on 11/04/05 have been fully considered but they are not persuasive.

In response to Applicant's argument " Brown does not teach displaying a map ....showing the geographic locations, or associating symbols with those locations" it is noted that this argument attacks the references individually since Mason is combined with Brown for the rejection of this limitation.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

*Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, since both teachings of Brown and Manson are on the same field of using user interface for displaying geographic location, it would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently.

In response to Applicant's argument that "the geographic locations of Manson are not street addresses and the values are geographic attributes not price values", it is noted that, it is noted that this argument is now moot under new ground of rejection.

Applicant's argument regarding claim 18 is now moot under new ground of rejection.

In response to Applicant's argument "Tachiban also does not disclose associating different ranges of values .....there is no "range of values", it is noted that each level in Tachiban can be reasonably interpreted as a range of values.

In response to Applicant's argument regarding claims 41 and 45, it is noted that Brown teaches a method of displaying on a computer information regarding values associated with a plurality of geographic locations including the steps of receiving a request for information regarding a first geographic area including the plurality of geographic locations (col 7, lines 48-65), receiving a plurality of values each associated with one of the plurality of geographic locations (Fig. 13) and displaying a map of the

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first geographic area in response to said request for information (region 204).

Furthermore, Tachibana teaches associating different symbols having first visually identifying characteristic (shapes (square, triangle, circle)) and second visually identifying characteristic (color) with different ranges and subranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67) (line 63 of col 14 to line 2 of col 15).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

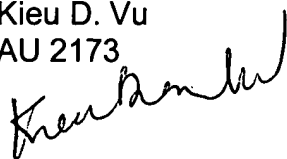
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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu  
AU 2173

A handwritten signature in black ink, appearing to read "Kieu D. Vu", written over the printed name and unit number.